

HENRY A. WAXMAN, CALIFORNIA,  
CHAIRMAN

TOM LANTOS, CALIFORNIA  
EDOLPHUS TOWNS, NEW YORK  
PAUL E. KANJORSKI, PENNSYLVANIA  
CAROLYN B. MALONEY, NEW YORK  
ELIJAH E. CUMMINGS, MARYLAND  
DENNIS J. KUCINICH, OHIO  
DANNY K. DAVIS, ILLINOIS  
JOHN F. TIERNEY, MASSACHUSETTS  
WM. LACY CLAY, MISSOURI  
DIANE E. WATSON, CALIFORNIA  
STEPHEN F. LYNCH, MASSACHUSETTS  
BRIAN HIGGINS, NEW YORK  
JOHN A. YARMUTH, KENTUCKY  
BRUCE L. BRALEY, IOWA  
ELEANOR HOLMES NORTON,  
DISTRICT OF COLUMBIA  
BETTY McCOLLUM, MINNESOTA  
JIM COOPER, TENNESSEE  
CHRIS VAN HOLLEN, MARYLAND  
PAUL W. HODES, NEW HAMPSHIRE  
CHRISTOPHER S. MURPHY, CONNECTICUT  
JOHN P. SARBANES, MARYLAND  
PETER WELCH, VERMONT

ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
FACSIMILE (202) 225-4784  
MINORITY (202) 225-5074

[www.oversight.house.gov](http://www.oversight.house.gov)

TOM DAVIS, VIRGINIA,  
RANKING MINORITY MEMBER

DAN BURTON, INDIANA  
CHRISTOPHER SHAYS, CONNECTICUT  
JOHN M. McHUGH, NEW YORK  
JOHN L. MICA, FLORIDA  
MARK E. SOUDER, INDIANA  
TODD RUSSELL PLATTS, PENNSYLVANIA  
CHRIS CANNON, UTAH  
JOHN J. DUNCAN, JR., TENNESSEE  
MICHAEL R. TURNER, OHIO  
DARRELL E. ISSA, CALIFORNIA  
KENNY MARCHANT, TEXAS  
LYNN A. WESTMORELAND, GEORGIA  
PATRICK T. McHENRY, NORTH CAROLINA  
VIRGINIA FOXX, NORTH CAROLINA  
BRIAN P. BILBRAY, CALIFORNIA  
BILL SALI, IDAHO  
JIM JORDAN, OHIO

October 23, 2007

Linda A. Suydam, D.P.A.  
President  
Consumer Healthcare Products Association  
900 19<sup>th</sup> Street NW, Suite 700  
Washington, DC 20006

Dear Dr. Suydam,

As you know, on October 19, 2007, the Nonprescription Drugs Advisory Committee of the Food and Drug Administration (FDA) and the Pediatric Advisory Committee recommended that over-the-counter cough and cold medications for children under the age of six years should be removed from the market. The panel found that while there was no evidence that these products were effective in children under the age of six, there was evidence that some children had been harmed, and have even died, from taking these products.

This recommendation comes on the heels of the voluntary withdrawal by Consumer Healthcare Products Association (CHPA) of products marketed for use in children under two. CHPA's action was taken in accordance with the association's own conclusions regarding the lack of safety and effectiveness data on these products. I commend CHPA for that decision.

However, I was disappointed to read reports that CHPA intends to "fight the new recommendations" of the advisory panel.<sup>1</sup> I had hoped that CHPA would show the same leadership and interest in protecting the health and well-being of children under the age of six as it showed toward children under two by similarly withdrawing those products.

As you know, the panel concluded by an overwhelming margin that cough and cold medications had not been proven to be effective in children under age six and that there needed to be additional studies conducted. Given that conclusion, and the fact that unproven cough and cold products could also expose children to injury and even death, there is no justification for the continued marketing of those products for children under six. Drug companies should not be

---

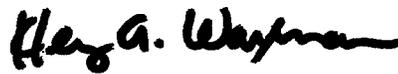
<sup>1</sup> Gardiner Harris, *F.D.A. Panel Urges Ban on Medicine for Child Colds*, New York Times (Oct. 20, 2007) (online at <http://www.nytimes.com/2007/10/20/washington/20fda.html?ref=health>).

Linda A. Suydam, D.P.A.  
October 23, 2007  
Page 2

permitted to market products whose benefits have not been proven to outweigh their risks to either children or to adults.

I sincerely hope that CHPA will take prompt action to ensure that the advisory committee's recommendations are promptly carried out by your member companies. There is no need for CHPA to wait for FDA to complete what will surely be a lengthy rule-making process to change the monograph for these products. American children cannot afford that kind of delay.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, flowing style.

Henry A. Waxman  
Chairman

cc: Tom Davis  
Ranking Minority Member